

**ORDINANCE NO. 2021-02**

**AN ORDINANCE OF THE CITY OF INDIAN HARBOUR BEACH; AMENDING THE ZONING CODE OF THE CITY; AMENDING ARTICLE XII SECTION 7 (3) (G) OF APPENDIX A OF THE CODE OF ORDINANCES OF THE CITY; PROVIDING THAT INDEPENDENT LIVING APARTMENTS IN CONJUNCTION WITH AN ASSISTED LIVING FACILITY ARE ALLOWED AS A CONDITIONAL LAND USE; ADDING A NEW SUBSECTION (H) TO ARTICLE XII SECTION 7 (3); PROVIDING FOR PROCESSING AND MIXING OF GRANULAR PRODUCTS AS A CONDITIONAL LAND USE; AMENDING ARTICLE XV, SECTION 1 (B) (13) OFF-STREET PARKING REGULATIONS, OF APPENDIX (A) OF THE CODE OF ORDINANCES OF THE CITY; PROVIDING THE OFF-STREET PARKING AND LOADING REQUIREMENTS FOR INDEPENDENT LIVING APARTMENTS ASSOCIATED WITH AN ASSISTED LIVING FACILITY GRANTED AS A CONDITIONAL LAND USE; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION INTO THE CITY'S CODE OF ORDINANCES; PROVIDING AN EFFECTIVE DATE**

**NOW, THEREFORE, BE IT ORDAINED BY THE** City of Indian Harbour Beach of Brevard County, Florida, as follows:

**SECTION 1.** Article XII, Section 7 of Appendix A of the Code of Ordinances of the City is amended by amending subsection (G) and adding a new subsection (H) to read as follows:

Sec. 7. District and intent; B-1, General Commercial District.

\* \* \* \*

(3) Conditional land uses permissible by City Council:

\* \* \* \*

(G) *Adult care facilities.* Any facility regulated by the State of Florida Agency for Health Care Administration and meeting the criteria and requirements of the provisions of Long Term Care Facilities, Florida Statute 400.0060(5), as amended from time to time; Nursing Homes Florida Statute 400.011, as amended from time to time; Intermediate, Special Services, and Transitional Living Facilities, Florida Statute 400.701, as amended from time to time; Intermediate Care Facilities for Developmentally Disabled Persons, Florida Statute 400.960, as amended from time to time; Assisted Living Facilities, Florida Statute 429.02 (5), as amended from time to time; Adult Day Care Centers. Florida Statute 429.901(l); Adult Family- Care Homes, Florida Statute

429.65(2); and Health Care Facilities, Florida Statute 408.032(8), as amended from time to time. Independent living senior apartments are allowed in conjunction with an Assisted Living Facility.

(H) Processing or mixing of bulk granular products (as an absorbent to reduce oils, fats and/or grease) subject to the following conditions:

(1) Processing or mixing of bulk granular products must be done within a fully enclosed building. No outside storage allowed.

(2) Processing or mixing of bulk products will not require or cause excessive heat or temperature, odor, nor involve combustible materials.

(3) Delivery of product from processing site to customers must provide for a minimum of two commercial loading spaces on site.

**SECTION 2.** Article XV, Section 1 (B) (13) of Appendix A of the Code of Ordinances of the City is amended to read as follows:

Sec. 1. Off-Street parking and loading requirement.

\* \* \* \*

(B) *Requirements for off-street parking.* There shall be provided at the time of the erection of any main building or structure, or at the time any main building or structure is enlarged or increased in capacity by adding dwelling units, guest rooms, floor area or seats, minimum off-street automobile parking space with adequate provisions for ingress or egress in accordance with the following requirements:

\* \* \* \*

(13) *Adult care facilities.* One (1) space for each five (5) beds plus one (1) space for each employee, including doctors on the largest working shift. Independent living senior apartments in conjunction with adult care facilities. One (1) space per dwelling unit and one (1) guest space for each six (6) dwelling units.

**SECTION 3. Conflicting Provisions.** In the case of a direct conflict between any provision of this ordinance and a portion or provision of any other appropriate federal, state or county law, rule code or regulation, the more restrictive shall apply.

**SECTION 4. Severability.** If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.



**SECTION 5. Inclusion in Code.** It is intention of the City Council that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of the City of Indian Harbour Beach, and that the sections of this ordinances may be renumbered or re-lettered and that the word "ordinance" may be changed to "section", "article," or such other appropriate word or phrase in order to accomplish such intentions.

**SECTION 6. Effective Date.** This ordinance shall take effect in accordance with the City Charter.

**PASSED AND ADOPTED** by the City Council of the City of Indian Harbour Beach, Brevard County, Florida, this 23<sup>rd</sup> day of March, 2021.



X Scott Nickle

Scott Nickle  
Mayor

X Sue Frank

Sue Frank, MMC  
City Clerk

First Reading: March 9, 2021  
Second Reading Public Hearing: March 23, 2021

